

***IOWA DISTRICT COURT, FIFTH JUDICIAL DISTRICT***

**AMENDED AND SUBSTITUTED ORDER  
RE TEMPORARY CLOSURE OF  
COURTS OF THE FIFTH JUDICIAL  
DISTRICT**

**ADMINISTRATIVE ORDER 2009-56**

The Court strikes Administrative Order 2009-50 and substitutes this order in lieu thereof regarding implementation of court closures in 2009-2010.

Pursuant to the Supervisory Orders of the Iowa Supreme Court filed November 10, December 1, and December 2, 2009, IT IS ORDERED:

1. Court Closures.

The Courts of the Fifth Judicial District shall be closed on December 24, 2009, December 31, 2009, January 15, 2010, February 15, 2010, March 12, 2010, March 26, 2010, April 2, 2010, May 28, 2010, and June 18, 2010. No judicial business shall be conducted on these days except as provided herein.

A. Re-scheduling by Court Administration.

All court matters scheduled for an unpaid leave day as designated above shall be continued and shall be re-scheduled by Court Administration on the next regularly available hearing date. However, any criminal trial in which speedy trial has not been waived and the speedy trial deadline is imminent that is currently scheduled for an unpaid leave day shall begin or continue on the next day the court is open. All trials that are in progress shall be recessed until the next day court is open. Court Service days in Judicial Election Districts 5A and 5B that fall on days of court closure shall be re-scheduled in accordance with the attached Exhibit "A".

B. Judicial Officers Available for Emergency Only.

The only judicial business that may be conducted on days of court closure shall be emergency matters as defined in the December 1, 2009 Supervisory Order. This shall not include initial appearances. The deadline for conducting initial appearances by

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court rule is extended until 4:30 p.m. of the next day the courts are open pursuant to the December 2, 2009 Supervisory Order.

The court will be closed and judicial officers will be inaccessible for regular child abuse removal hearings, juvenile delinquency detention and shelter care hearings, mental health and substance abuse proceedings, and domestic abuse proceedings. On days of court closure, all such matters shall be presented to the designated on-call judge (see section 2 below) only pursuant to statutory emergency procedure as provided by law. Criminal warrants shall be presented to the designated on-call judge as necessary for the protection of public safety.

Juvenile Court Officers shall not be on-call on court closure days. However, Juvenile Court Officers shall resume call at 12:00 a.m. on the day after a court closure day.

## 2. Designation of On-Call Judges.

Pursuant to the November 10, 2009 Supervisory Order, the court hereby designates certain judges to be on-call to cover emergency matters. These designated on-call judges are authorized to take unpaid leave on another day in the same pay period as the court closure day. Magistrates are not designated to be on-call by this order.

### Judicial Election District 5-A.

The following judges serving in Election District 5A shall be the on-call judge for emergency matters in the entire sub-district on the designated days of court closure:

December 24, 2009	Warren County Associate Judge Clogg
December 31, 2009	Dallas County Associate Judge Cobb
January 15, 2010	Jasper County Associate Judge Mott
February 15, 2010	Warren County Associate Judge Parker
March 12, 2010	Marion County Associate Judge Wilson
March 26, 2010	Warren County Associate Judge Clogg

April 2, 2010	Dallas County Associate Judge Cobb
May 28, 2010	Jasper County Associate Judge Mott
June 18, 2010	Warren County Associate Judge Parker

The designated on-call judge may be reached by calling the sheriff of the county of residence of the designated judge at the following numbers on the applicable court closure day:

Warren County Sheriff – 515-961-1122

Dallas County Sheriff – 515-993-4567

Marion County Sheriff – 641-828-2220

Jasper County Sheriff – 641-792-5912

Judicial Election District 5-B.

District Associate Judge Monty Franklin is hereby designated as the on-call judge for all emergency matters in Election District 5B on each of the designated court closure days. Judge Franklin may be reached by calling the Wayne County Sheriff at 641-872-1566.

Judicial Election District 5-C.

The following judges serving in Election District 5C shall be the on-call judge for emergency matters in Polk County on the designated days of court closure:

December 24	Smith
December 31	Rosenberg
January 15	Witt
February 15	Blink
March 12	Paulsen
March 26	Staskal
April 2	McGhee
May 28	Egly
June 18	Price

The following Polk County judges serving in juvenile court shall be the on-call judge for emergency juvenile matters on the designated court closure days:

December 24	Smith
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December 31	Cohen
January 15	Witt
February 15	Jacobs
March 12	Egly
March 26	Cohen
April 2	Jacobs
May 28	Egly
June 18	Witt

In Polk County, the designated on-call judge may be reached by calling the Des Moines Police Dispatch at 283-4811.

2. Magistrate Re-Schedule.

Magistrates are not designated to serve on-call on court closure days in the Fifth Judicial District. If a part-time Magistrate is regularly scheduled to hold court or work on a court closure day, the Magistrate shall reschedule his or her time and court schedule to be available for work in the same pay period on days when the Clerk's Office is open in whole or in part. In Polk County only, the Magistrates shall coordinate this through the District Court Administrator.

Dated this 18<sup>th</sup> day of December, 2009.

  
 ARTHUR E. GAMBLE, CHIEF JUDGE  
 Fifth Judicial District of Iowa

**Copies to:**

Marsha Ternus, Chief Justice  
 Michael Streit, Liaison Justice  
 David Boyd, State Court Administrator  
 Ken Bosier, IT Director  
 Elizabeth Baldwin, District Court Administrator  
 All Fifth Judicial District Judges  
 All Fifth Judicial District Magistrates  
 All Fifth Judicial District Clerks of the District Court and staff  
 Marilyn Lantz, Chief Juvenile Court Officer  
 All Fifth Judicial District Asst. DCA's, Case Coordinators, Court Attendants and Judicial Assistants  
 All Fifth Judicial District Court Reporters  
 All Fifth Judicial District Juvenile Court Services Staff  
 All Fifth Judicial District County Sheriffs  
 All Fifth Judicial District County Attorneys  
 Polk County Youth Services  
 All Fifth District Boards of Supervisors  
 Polk County Bar Association  
 All Fifth Judicial District Mental Health Advocates  
 Wendy Rickman, DHS, Des Moines Area SAM  
 Tomas Rodriguez, State Public Defender  
 Valerie Wilson, Polk County Public Defender  
 Kathy Miller, Polk County Juvenile Public Defender  
 Mike Sorci, Youth Law Center

**Exhibit "A"**

**New schedule of Court Service Days in 5A & 5B due to 2009 and 2010 Court Closure days**

**December 4 (Friday)**

Decatur & Marion crt. svs. -move to Dec. 3 (Thu.)

Union crt. svs. -move to Dec. 7 (Mon.)

Clarke D.A. Cr. Svs. on Dec. 4 (Fri.) – cancelled

**December 24 (Thursday)**

Decatur & Marion crt. svs. - move to Dec. 23 (Wed.)

Union D.A. crt. svs. on Dec. 24 (Thu.) - cancelled

Union crt. svs. – moved to Dec. 23 (Wed.)

Clarke crt. svs. – moved to Dec. 22 (Tues.)

Clarke D.A. crt. svs. on Dec. 25 (Fri.) - cancelled due to holiday

Dallas D.A. crt. svs. - move to Dec. 23 (Wed.)

**December 31 (Thursday)**

Decatur & Marion, Union crt. svs. - move to Dec. 30 (Wed.)

Union D.A. crt. svs. on Dec. 31 (Thu.) - cancelled

Union crt. svs. – moved to Dec. 30 (Wed.)

Clarke crt. svs. – moved to Dec. 30 (Wed.)

Clarke D.A. crt. svs. on Jan. 1 (Fri.) – cancelled due to holiday

Dallas D.A. crt. svs. on Dec. 31 (Thur.) - move to Dec. 29 (Tue.) Juvenile day in Dallas on Dec. 30 (Wed.)

**January 15 (Friday)**

Decatur & Marion crt. svs. move to Jan. 14 (Thu.)

Union crt. svs. – move to Jan. 13 (Wed.)

Clarke D.A. crt. svs. - cancel on Jan. 15 (Fri.)

**February 15 (Monday)**

Guthrie, Jasper (criminal), Lucas, Madison, Ringgold, Warren (criminal) crt. svs. move to Feb. 16 (Tue.)

Jasper and Warren civil crt. svs. - move to Feb. 17 (Wed.)

**March 12 (Friday)**

Decatur & Marion crt. svs. move to March 11 (Thu.)

Union crt. svs. - move to March 15 (Mon). Juvenile day on March 11 (Thu.)

Ringgold Juvenile - move to March 5 (Fri.)

Lucas Juvenile – move to March 19 (Fri.) \* due to conflicts in other counties

**March 26 (Friday)**

Union crt. svs. – moved to March 29 (Mon.)

Marion & Decatur crt. svs. – moved to March 25 (Thu.)

Clarke D.A. crt. svs. - cancelled

**April 2 (Friday)**

Decatur & Marion crt. svs. – move to April 1 (Thu.)

Union crt. svs. – move to April 5 (Mon.)

Clarke D.A. crt. svs. – cancel on April 2 (Fri.)

**May 28 (Friday)**

Decatur & Marion crt. svs. - move to May 27 (Thu.)

Union crt. svs. – move to May 26 (Wed)

Clarke D.A. crt. svs. – cancel on May 28 (Fri.)

Lucas Juvenile – move to May 21 (Fri.) \*due to conflicts in other counties

**June 18 (Friday)**

Decatur & Marion crt. svs. - move to June 17 (Thu.)

Union crt. svs. – move to June 21 (Mon.)

Clarke D.A. crt. svs. - cancel on June 18 (Fri.)